



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2400694  
**Applicant Name:** Sally Knodell, Environmental Works  
**Address of Proposal:** 3327 Beacon Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a 1,448 sq. ft., two-story addition to an existing 6,166 sq. ft. structure and establishment of a child care center. The project includes a 2,963 sq. ft. outdoor play area. Surface parking for 14 vehicles is proposed.

The following approval is required:

**Variance** to allow a child care center to exceed 4,000 sq. ft. in an NC zone.  
(SMC 23.54.035)

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

**BACKGROUND DATA**

**Site and Vicinity Description**

The property is located at the northwest corner of the intersection of Beacon Avenue South and South Hinds Street. The site is zoned Neighborhood Commercial 1 with a 40 foot height limit

(NC1-40). The southern portion of the site is developed with an existing one-story retail building with one residential unit on the second floor. The remaining northern area of the site is an asphalt paved parking lot, a portion of which abuts South Alamo Place to the west.

Development along Beacon Avenue South consists of mostly commercial and mixed use (commercial and residential) structures. Development one and two blocks east and west of Beacon Avenue South is predominantly single family homes in Single Family 5000 (SF5000) zones. The Jefferson Park Golf Course is one block south of the site.

### Proposal Description

The applicant proposes to remodel and change the use of the existing ground floor into Head Start child care classrooms (3,700 sq. ft.). Additions include new circulation space and offices on the northern portion of the building (1,200 sq. ft.). The existing residential unit on the second floor will be remodeled and changed to additional office space (1,470 sq. ft.). The existing partial basement will be remodeled and used for storage (1,200 sq. ft.). A 2,963 sq. ft. outdoor play area is proposed. The existing parking area will be reconfigured and will provide surface parking for 14 vehicles.

### Public Comments

No public comment letters were received during the comment period, which ended June 23, 2004.

## ANALYSIS - VARIANCE

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The existing building is close to, but not quite the sufficient size, to provide all of the community services that the Denise Louie Education Center intends to offer. Child care regulations are strictly defined and prescriptive, including minimum square footage for children's spaces to ensure licensure. The existing structure contains 6,555 square feet of usable space. This is 1,550 square feet shy of the area needed to fulfill the Center's community service goals.

The existing property is also located in the narrowly defined service area that the Center must serve so as to not overlap with the service area of another Head Start program. Currently the Center offers Head Start child care services in another facility which will be unavailable after May 2005. After a lengthy and thorough search, this property is the only appropriate property in the service area that is available and meets the center's schedule and stringent requirements.

Many other institutions in the vicinity of the proposed child care center exceed 4,000 sq. ft. Some of these are El Centro de la Raza, St. Peter's Catholic Church, Beacon Lutheran Church, Beacon Hill Baptist Church, Seattle Buddhist Center and Jefferson Community Center. Location and size of these institutions were provided by the applicant and are available in the project file.

2. ***The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The basic uses proposed (classrooms, offices, outdoor play area and parking) are at the minimum required sizes to accommodate the services to be provided by the Center. Child care regulations dictate a specific minimum square footage per child for classroom areas and for outdoor play areas. These regulated sizes are bare minimums, not the recommended best practice for quality early childhood development, which would entail more square footage per child. The outdoor play area does not exceed the minimum needed to comply with child care licensing requirements. Classrooms range from 2.7% to 10.3% in excess of the bare minimums for child care licensing. The office areas proposed are the minimum needed to provide work space for family counseling staff and managers. The number of parking spaces proposed is the same as required by the Land Use Code. The Washington Administrative Code (WAC) provides requirements for Child Day Care Centers. These code citations were provided by the applicant and are available in the project file.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

Development standards for the NC1-40 zone allow significantly more height, bulk and scale than the project proposes to build. Bulk impacts on adjacent properties are either no different from the existing conditions or inconsequential. Vehicle trips generated by the Center will be far fewer than would result if the project were built out to the extent allowed by the code. The outdoor play area is proposed to be located as far as possible from existing uses on adjacent sites in order to reduce the amount of noise.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;***

The strict application of the Land Use Code would prohibit the Denise Louie Education Center from providing child care services in their defined service area. The Land Use Code allows "operating" businesses to expand up to 10,000 square feet by Special Exception (23.47.010G). Going through the Special Exception process would require that this project be phased over a period of time. Phasing the project is not an option for the project proponent, as their current and ongoing demand for services in the Beacon Hill area is greater than a first phase of 4,000 square feet would allow. In addition, Head Start funding requires that a child care service provider provide continuous care without interruptions such as would result from phasing the project.

**5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.***

Child care services are considered necessary support businesses that are desirable uses in Neighborhood Commercial zones, within walking distance of residential uses. The site proposed for this child care center is 4 blocks south of the North Beacon Hill Residential Urban Village. Seattle's Comprehensive Plan says that institutions are considered contributions to neighborhoods by providing essential community services that support the inhabitants and contribute to sustaining strong communities. A child care center on this site would be an integral, necessary support business, consistent with the Comprehensive Plan.

The Land Use Code would allow, by Special Exception, an already operating Child Care Center in an NC-1 zone to expand up to a maximum of 10,000 sq. ft. based on certain factors. If the applicant were to have gone this route, the Center would have had to operate initially at 4,000 sq. ft. for a period of time and then apply for the Special Exception for the expansion above 4,000 sq. ft. Factors that would be assessed for the Special Exception are the anticipated impacts if an increase in size is permitted, the availability of commercial spaces in the zone for uses which contribute to the function and desired characteristics of the zone, the number of business establishments present in the zone that are similar to child care centers, the compatibility of the child care center with the character and scale of the business district and surrounding neighborhood and length of time the business establishment has been operating.

The Denise Louie Education Center is currently an operating business establishment in a facility at a different location. It appears that the proposed project would meet the criteria to be allowed by the Special Exception process but would require that the Center operate initially at 4,000 sq. ft. Because of the existing operations of the Denise Louie Education Center, an area greater than 4,000 sq. ft. has already been determined necessary to conduct business so the Special Exception process was not an option for the applicant. The requested Variance is consistent with spirit and purpose of the Land Use Code.

**DECISION – VARIANCE:**

Variance from SMC 23.47.010 to allow a child care center to exceed 4,000 sq. ft. in an NC zone is **APPROVED.**

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated, May 21, 2004), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

#### Construction Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the close proximity of neighboring residences and businesses, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

#### Noise

Surrounding residential uses are likely to be slightly impacted by noise throughout the duration of construction. Due to the proximity of residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted.

To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by the DPD planner prior to each occurrence.

Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on residents living in the vicinity of the construction. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts.

DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner (Darlene Edwards 206-684-5606) prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD.

#### Long-term Impacts

Minor long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased bulk and scale on the site; noise, traffic or parking in the area; demand for public services and utilities; and light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

#### **DECISION - SEPA**

This decision was made after review by the responsible official, on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

#### **CONDITIONS - VARIANCE**

None.

## **CONDITIONS – SEPA**

### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right of way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration on construction.

The owner(s) and/or responsible party(s) shall:

1. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 6:00 P.M. Construction work proposed outside these established hours must be approved by the DPD planner (Darlene Edwards (206) 684-5606) prior to each occurrence.

Signature: \_\_\_\_\_ (signature on file) Date: January 6, 2005  
Darlene Edwards, Land Use Planner  
Department of Planning and Development

DE:bg

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